

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 2018-018704-CA-01

JUDGE: JAVIER ENRIQUEZ

DEUTSCHE BANK NATIONAL TRUST COMPANY,

Plaintiff,

v.

MARIO MIRABAL,

Defendant.

FILED FOR RECORD
CIVIL DIVISION #96
2025 MAR -4 AM 11:03
CLERK
CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY, FL

DEFENDANT'S EMERGENCY MOTION FOR STAY PENDING RESOLUTION OF DEFENDANT'S
EMERGENCY MOTION TO CORRECT RECORD AND REVERSE REMAND DUE TO CLERICAL ERROR

COMES NOW, Defendant, Mario Mirabal, pro se, and respectfully moves this Honorable Court for an emergency stay of all proceedings in the above-captioned matter pending resolution of Defendant's Emergency Motion to Correct Record and Reverse Remand Due to Clerical Error, currently filed in the United States District Court for the Southern District of Florida. In support of this motion, Defendant states as follows:

I. INTRODUCTION & BACKGROUND

On February 25, 2025, this case was remanded from the United States District Court for the Southern District of Florida based on a clerical error that caused a misinterpretation of the Notice of Removal.

The remand order was issued under the mistaken belief that Defendant had improperly attempted to remove a case against KP Investments while listing Deutsche Bank National Trust Company as the plaintiff.

However, the case removed was properly designated as Deutsche Bank National Trust Company v. Mirabal (State Case No. 2018-018704-CA-01), and a clerical mistake in the district court's docketing process led to the incorrect assumptions underlying the remand order.

Defendant has filed an Emergency Motion to Correct Record and Reverse Remand Due to Clerical Error in the United States District Court (attached as Exhibit 1), seeking immediate correction of the error and reinstatement of the case in federal court.

II. IMMEDIATE NEED FOR A STAY

The continuation of proceedings in state court under a remand order issued due to a clerical mistake would result in irreparable harm to Defendant by forcing litigation in the wrong forum.

If proceedings move forward in state court before the federal court can review and correct its error, Defendant will suffer procedural prejudice, including potential adverse rulings based on an incorrect jurisdictional determination.

Granting a stay will preserve the status quo until the federal court issues a decision on Defendant's Emergency Motion to Correct Record and Reverse Remand.

III. REQUESTED RELIEF

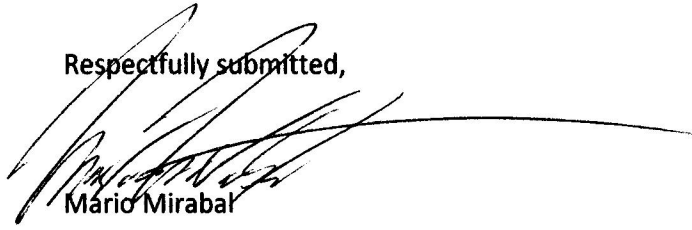
For the foregoing reasons, Defendant respectfully requests that this Honorable Court:

Stay all proceedings in the above-captioned case pending resolution of Defendant's Emergency Motion to Correct Record and Reverse Remand, currently before the United States District Court for the Southern District of Florida.

Prohibit Deutsche Bank National Trust Company from initiating or continuing any enforcement actions, motions, or hearings in this matter until the federal court issues a ruling on the pending motion.

Grant such other and further relief as this Court deems just and proper in the interest of justice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mario Mirabal', with a long horizontal flourish extending to the right.

Mario Mirabal

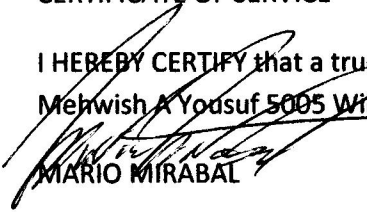
563 W 49th St

Miami Beach, FL 33140

Defendant, Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof was served via U.S. mail on 03/4/2025 TO:
Mehwish A Yousuf 5005 Wiles Road Apt 301 Coconut Creek, FL 33073


MARIO MIRABAL

563 W 49 ST

MIAMI BEACH,FLORIDA 33140

SOLPHAX@GMAIL.COM

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 1:25-cv-20746-JEM
(Previously State Case No. 2018-018704-CA-01)

MARIO MIRABAL,

Defendant,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY,

Plaintiff.

DEFENDANT'S EMERGENCY MOTION TO CORRECT RECORD AND REVERSE REMAND DUE TO CLERICAL ERROR

COMES NOW, Defendant , Mario Mirabal, pro se, and respectfully moves this Honorable Court to correct the record and reverse the remand of this case to state court. This motion is filed to clarify a serious clerical error that resulted in the mistaken remand of this case, and to prevent prejudice resulting from the error. In support thereof, Defendant states as follows:

I. INTRODUCTION & BACKGROUND

On February 18, 2025, Defendant properly filed Case No. 1:25-cv-20746-JEM as a removal of State Case No. 2018-018704-CA-01, a long-standing foreclosure and fraudulent assignment case against Deutsche Bank National Trust Company.

However, due to a clerical error by the court's staff, the documents uploaded into the district court system incorrectly mirrored those of a separate case (Case No. 1:25-cv-20747-JEM, which involved KP Investments Miami, LLC).

This clerical mix-up resulted in Judge Martinez mistakenly believing that Defendant-Appellant attempted to remove a KP Investments case while improperly listing Deutsche Bank as the plaintiff.

As a direct consequence of this error, on February 25, 2025, this Court remanded the case, stating:

“It appears Defendant is attempting to use removal proceedings of a case involving KP Investments to initiate federal proceedings involving Deutsche Bank. This is procedurally improper.”

However, this assumption was based on an administrative mistake, not on Defendant’s filings or intent.

II. NEWLY DISCOVERED EVIDENCE PROVING CLERICAL ERROR

After realizing the discrepancy, Defendant immediately contacted the District Court Clerk’s office and spoke with Supervising Clerk Valerie, who confirmed that a clerical mistake had occurred in how the case was entered into the docket.

The original district court-stamped copy of the Notice of Removal for Case No. 1:25-cv-20746-JEM (State Case No. 2018-018704-CA-01) has now been recovered and a stamped copy entered in the state court is attached as Exhibit A.

The state court docket also confirms that Defendant properly filed for removal of the Deutsche Bank foreclosure case, contradicting the assumption that he attempted to conflate unrelated matters.

III. THE NEED FOR IMMEDIATE RELIEF

Without prompt correction, Defendant faces irreparable harm by being forced to litigate in state court under a mistaken remand order.

The state could be already taking action on this case due to the remand, potentially allowing Deutsche Bank to proceed with unlawful claims against Defendant-Appellant.

Furthermore, the mistaken assumptions in the remand order could negatively impact Defendant’s credibility in related matters, including his request for administrative review by the Chief Judge.

This Court maintains the authority to reconsider and correct its remand order under Federal Rule of Civil Procedure 60(b), given that the remand was based on an error outside of Defendant’s control.

IV. REQUESTED RELIEF

For the foregoing reasons, Defendant respectfully requests that this Honorable Court:

Correct the record to reflect that Case No. 1:25-cv-20746-JEM was properly removed from State Case No. 2018-018704-CA-01 (Deutsche Bank National Trust Company v. Mirabal).

Vacate the February 25, 2025, remand order and restore this case to the District Court docket.

Reinstate the federal proceedings so that the merits of Defendant's claims, including Deutsche Bank's fraudulent foreclosure practices, can be properly adjudicated in a federal forum.

Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

Mario Mirabal

563 W 49th St

Miami Beach, FL 33140

Defendant, Pro Se

Solphax@gmail.com